?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 14.11.2018

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THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS. JUSTICE R.THARANI

+H.C.P.(MD)No.1561 of 2018

#Pushpam : Petitioner
Vs.
$1.The Superintendent of Police,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Town Police Station,
Pudukottai.

3.Kasirajan : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to secure and produce the body or persons of the detenus, (1) Sangeetha, D/o.Pitchai aged 34 years; (2) Minor Thanshika aged 7 years, D/o.Kasirajan and (3) Minor Monika (aged 3 years) D/o.Kasirajan before this Court illegally detained by the 3rd respondent and set her at liberty and handover the custody of minor children to the petitioner-s daughter Sangeetha forthwith.

!For Petitioner : Ms.S.Prabha
^For Respondents : Mr.V.Neelakandan for R1 & R2
Additional Public Prosecutor

:ORDER

[Order of the Court was made by R.SUBBIAH, J]

This Habeas Corpus Petition has been filed by the petitioner to produce her daughter and grand children, namely, Sangeetha aged 34 years, Minor Thanshika aged 7 years and Minor Monika, aged 3 years.

2. The petitioner is the mother of the first detenu. In the affidavit, it is averred that the third respondent is the husband of the first detenu Sangeetha and their marriage took place in the year 2011 and they have been blessed with two female children. While so, the third respondent demanded dowry and assaulted the first detenu and the first detenu was admitted to the Government Hospital and therafter discharged. Due to the said torture at the

hands of the third respondent, the detenus came to the petitioner-s house on 12.09.2018. While so, on 23.10.2018, the third respondent assaulted the petitioner and abducted the detenus from her house. Since their whereabouts are not known, the petitioner preferred a complaint to the respondent police on 26.10.2018. Since no effective steps were taken, the petitioner is before this Court with this petition.

3.Today, when the matter is taken up for hearing, the detenus have been produced by the respondent police. On enquiry, the detenu Sangeetha stated that the third respondent, forcibly entered into the house of the petitioner, abducted and tortured them. Today, she expressed her willingness to go along with the petitioner/mother along with her children and apprehends that the third respondent may attack her.

4 In view of the said submission made by the detenu Sangeetha, and since there is no illegal detention, this Habeas Corpus Petition is closed. In view of the apprehension made by the petitioner and detenus, the respondent police is directed to give protection to the petitioner and the detenus, till they reach their house.

To
1.The Superintendent of Police,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Town Police Station,
Pudukottai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.